

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TRAVANTI SCHMIDT,

Plaintiff,

v.

SERGEANT REYNOLDS,

Defendant.

ORDER

13-cv-810-wmc

On November 18, 2013, this court directed plaintiff Travanti Schmidt to either pay the \$400 filing fee or, if he wished to proceed *in forma pauperis*, to submit a six-month trust fund account statement so that the court could determine whether plaintiff is indigent, and if so, assess him an initial partial payment of the filing fee. In response to this order, plaintiff has submitted a canteen account statement for the four-day period beginning November 19, 2013 and ending November 22, 2013. This four-day statement is not enough. I will construe plaintiff's submission as a motion for an extension of time to submit the required six-month statement and I will extend plaintiff's deadline to submit his trust fund account statement until December 17, 2013.

According to 28 U.S.C. § 1915 (a)(2), a prisoner's account statement must be for the six-month period immediately preceding the filing of the complaint. Congress has dictated the manner in which how fees are calculated for prisoners filing federal lawsuits and appeals, and the court has no discretion to modify this method. Therefore, if plaintiff intends to pursue his request to proceed *in forma pauperis* in this lawsuit, he will need to submit a full six-month trust fund account statement that covers the period beginning May 14, 2013 and ending

November 14, 2013. Once plaintiff has submitted the necessary statement, the court will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under § 1915(e)(2). If plaintiff fails to provide his statement, this case will be closed.

ORDER

IT IS ORDERED that plaintiff Travanti Schmidt is GRANTED an enlargement of time to December 17, 2013, in which to submit a trust fund account statement covering the period beginning approximately May 14, 2013 and ending approximately November 14, 2013. If, by December 17, 2011, plaintiff fails to respond to this order, this case will be dismissed without prejudice and without further notice pursuant to Fed. R. Civ. P. 41(b).

Entered this 27th day of November, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge